

U.S. Department of Justice

United States Attorney

Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

March 14, 2008

BY FACSIMILE

The Honorable Denny Chin
 United States Courthouse
 500 Pearl Street, Room 1020
 New York, New York 10007-1312
 Fax No.: (212) 805-7906

**Re: Batista v. Quarantillo, et al., 07 Civ. 7439 (DC)**

Dear Judge Chin:

I write respectfully on behalf of the Government in the above-referenced action concerning plaintiff's pending application for naturalization to request a 30-day extension of the deadline for the Government to respond to the complaint – from March 17, 2008, until April 16, 2008. In this action, plaintiff seeks an order compelling the Government to issue a decision on an application for naturalization. The Government, however, cannot issue its decision on the application until plaintiff provides the agency with certain missing documentation, namely a disposition of arrest. The Government has been waiting for plaintiff to provide this documentation to the agency for more than three months. Although plaintiff's counsel previously advised the agency that he would produce the documentation several weeks ago, plaintiff's counsel advised the undersigned yesterday that he was not able to furnish the material, or respond to telephone calls and emails from the undersigned, due to an injury he suffered from a fall.

Accordingly, the Government respectfully requests this extension to permit plaintiff time to furnish the documentation to the agency and to permit the agency time to review and process the information and issue a decision. This is the fifth request for an extension of this deadline and plaintiff's counsel has consented to this extension request.

To allow the agency sufficient time to review the material and issue its decision, the Government further requests that the Court order plaintiff to produce the disposition of arrest to the agency within 10 days, or March 24, 2008.

Plaintiff shall provide the documentation to the Government by 4/4/08, or the complaint will be dismissed for failure to prosecute. The Government shall respond


within 30 days thereafter. So ordered. 3/31/08 WSD

Thank you for considering this request.

Respectfully submitted,

MICHAEL J. GARCIA
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By:



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